

Remarks**Bommareddy and Zisapel were not properly combined**

The Office Action asserts that Bommareddy (US Patent 6779039) overcomes an acknowledged deficiency of Zisapel (US Patent 6665702), namely, that Zisapel does not teach pinging a router on a path to a server to determine if the router is a reliable connection component for domain name resolution; see Office Action at page 3. But one of skill would not have been looking for a reference on pinging routers, because the present claims – which contain the call for pinging routers – would not have been available to guide the research. Instead, one of skill would have looked for ways to improve domain name resolution. That would *not* have led to Bommareddy, a reference that fails to even discuss domain name resolution.

The Office Action also states that Bommareddy is “in the same field of load balancing and routing message endeavor” as Zisapel. But “routing message endeavor” is a phrase broad enough to cover every reference that discusses routing, messages, or packet networks – it contains nothing specific to Bommareddy. Load balancing, if it is a field, is a different one; the field of the present invention is domain name resolution. So far as the present invention is concerned, load balancing is at most a benefit, not a field of the invention. The present application deals with domain name resolution throughout, on each and every page but one (page 19) of its 24 pages of text. Zisapel’s text also deals with domain names and DNS in detail and at length, e.g., in at least columns 1, 7 -10, 15, 16. Thus, Zisapel and the present application are each in the field of domain name resolution. Bommareddy, in stark contrast, mentions “DNS” just once, in passing, and Bommareddy fails to discuss “domain name” at all. Again, one who seeks to improve domain name resolution would not have been led to Bommareddy.

As stated grounds for combining Bommareddy with Zisapel, the Office Action asserts that one of skill would have added Bommareddy “in order to efficiently and actively monitor the health of the routers and/or connection paths to the server for detecting a failure and thus re-routing the traffic to the remaining operational computers.” Office

Action at 3-4. But this language is based on the present claims. Zisapel does not mention "health" or "operational" or "failure". In column 17, Zisapel does mention the possibility that a "router indicated as first choice for the best proximity connection is unavailable or overloaded" but that would not have led one of skill to Bommareddy, which lies outside the field of domain name resolution, much less to Bommareddy's pinging.

There are two apparent ties between Bommareddy and the present application: each discusses load balancing, and Philip B. Tran examined each. A discussion of load balancing would not have led a person of skill who wanted to know about something else (domain name resolution and/or router reliability) to Bommareddy. It seems clear that Bommareddy was suggested instead by its familiarity to the examiner, and by the pinging limitation of the present claims, not by a desire to study or improve the reliability of connection components for domain name resolution. Because there was no suggestion or motivation in the art for combining Zisapel and Bommareddy, the rejections under Section 103 should be withdrawn.

Claim Amendments

The claims are amended variously, so they are narrower in some ways and broader in others, than the claims last presented. Some of the amendments do not change the scope but simply improve readability, e.g., "the connection component's status" in claim 13 and the amendment in claim 14.

In particular, each of the independent claims has been narrowed in the sense that IP address selection must now be done without regard to the connection component's proximity to the server. That is, domain name resolution IP address selections which are based primarily or solely on server proximity now lie outside the scope of the present claims.

Zisapel strongly teaches away from the invention as now claimed. Zisapel discusses proximity at length, and in depth. Indeed, in the paper copy of Zisapel supplied by the examiner to the undersigned when Zisapel was first cited, several such portions have

hand-written annotations by the examiner. Among these are portions that discuss proximity and hops (col. 4 lines 58-64), proximity (col. 14 line 41), a proximity table (col. 15 line 25), and best proximity (col. 17 lines 11-17). The cited language in column 17 lines 6-67 of Zisapel deals with "best proximity connection" and the "number of hops".

As noted, Bommareddy teaches nothing specifically about DNS or domain name resolution, much less the very specific claim limitation of assigning IP addresses during domain name resolution without regard to proximity.

Accordingly, even if Bommareddy and Zisapel are considered together, they fail to teach (and Zisapel teaches away from) the claimed invention, which requires assigning IP addresses during domain name resolution without regard to proximity

Conclusion

In view of the above, Applicants respectfully submit that each of pending claims is patentable. Applicants appreciate the analysis provided by the Office. The mere fact that this Amendment is silent as to any particular assertion or assumption does not indicate Applicants' agreement with that assertion or assumption. Applicants expressly reserve all arguments not made here, and all claims not presented here.

In the event any questions remain, the undersigned invites a telephone conference at the Office's first convenient opportunity.

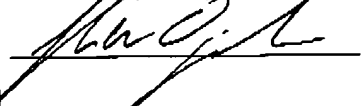
Dated October 15, 2005.

\pm2-10B

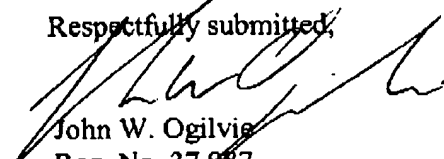
CERTIFICATE OF FAX

TRANSMISSION

I hereby certify that this correspondence is being faxed to the USPTO, on October 15, 2005, at 571-273-8300.



Respectfully submitted,



John W. Ogilvie
Reg. No. 37,987
Attorney for Applicants
OGILVIE LAW FIRM
1320 East Laird Avenue
Salt Lake City, UT 84105
801-706-2546 (voice)
801-583-0393 (fax)